

KANSAS

STATE

HISTORICAL

SOCIETY

Cultural Resources

Extension 240

6425 S.W. 6th Avenue Topeka, Kansas 66615-1099 PHONE# (785) 272-8681 FAX# (785) 272-8682

TTY# (785) 272-8683

KANSAS HISTORY CENTER

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HISTORIC SITES

John Brown Museum Constitution Hall Cottonwood Ranch First Territorial Capitol Fort Hays Goodnow House Grinter Place Hollenberg Station Kaw Mission Marais des Cygnes Massacre Mine Creek Battlefield Native American Heritage Museum Pawnee Indian Village Pawnee Rock Shawnee Indian Mission William Allen White House

CERTIFICATION OF STATE REGISTER LISTING

The Register of Historic Kansas Places includes all Kansas properties nominated to the

Property Name: 1873 Ellsworth County Jail
Address: 6 North Court Street, Ellsworth, KS 67439
Legal:
County: Ellsworth
Owner: Ellsworth County Historical Society
Address: 104 SW Main, P.O. Box 144, Ellsworth, KS 67439
National Register eligible
State Register eligible X_
This property was approved by the Kansas Historic Sites Board of Review for the Register of Historic Kansas Places on May 10, 2003.
I hereby certify that this property is listed on the Register of Historic Kansas Places. Deputy State Historic Preservation Officer 3 Date

9/95

NAPS Form 10-900-a (8-86)

United States Department of the Interior National Park Service

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1873 Ellsworth County Jail Ellsworth, Kansas

7. Narrative Description

The 1873 Ellsworth County jail is a two-story limestone building/ruin facing east onto Court Street. It sits in its original location, one half block north of North Main Street. The town has changed around it. In 1873 the business district in the cattle town of Ellsworth was defined by North Main Street and South Main Street, on both sides of the Kansas Pacific railroad tracks. The town's two-story brick courthouse, also built in 1873, stood on the corner of N. Main and Court Street immediately south of the jail.¹

Business buildings are on both sides of the 1873 jail. An electrical contractor's building is 4 feet 5 inches to the south and a vehicle storage building is 12 feet to the north. Across the street to the east are two homes currently occupied. The building itself has changed greatly. Due to a lack of funds and due to ensuing neglect the flat, tin roof has collapsed completely and the interior has disintegrated. Despite this obvious deterioration many of its original features remain intact. Most noticeable are the native limestone walls, the steel-barred windows and the 1873 date stone which is centered and imbedded in the front wall facing Court Street.

Col. Henry Inman, the architect and construction supervisor²,was described by <u>The Ellsworth Reporter</u> as a "practical architect." ³ His plans called for a rectangular building, 30 1/2 feet by 42 1/2 feet, with a tin roof, to be built of limestone. ⁴ The second floor was to be living quarters for the Sheriff and the first floor was to be his office and to be temporary living quarters ⁵ for the gamblers, murderers and other unsavory characters of the cattle town. The four walls, in various stages of deterioration, still stand. They were constructed of limestone believed to have been quarried from ground in Ellsworth County.

The building is very plain with no decorative elements other than the stones themselves. The limestone is a creamy color with brown streaks through it. The limestone walls have one row of decorative stone that emphasizes the transition between the first and second stories and another row of decorative stone set below the now absent tin roof. Most of the limestone faces are round but the faces of the decorative stone are round with 1 1/2-2 inch edges that are flat. Most of windows and doors of the building have a decorative three piece flat-faced, curved limestone lintel with a center keystone. Two windows, one each on the north and south sides of the building, are exceptions. Their lintels are made of small perpendicular limestones. The small cell windows have no decorative lintels. The steel bars are still connected to their deep-set frames.

The east wall, facing Court Street, has two old weathered wooden doors on each end of the first floor (north and south). The doors are chained shut. There are six boarded up windows, two on the first floor and four on the second floor. These boards are also weathered and unpainted. All the windows had the decorative lintels. Centered between the four upper windows is the date stone. It is a flat piece of limestone approximately 24 inches by 24 inches with the words "Ellsworth County 1873" carved into it. Several rows of the limestone blocks have fallen from the east wall with the southeast corner being affected the most. The lintel stones above the southeast window have fallen. The two windows on the north side of the east wall have lost the keystone part of the window lintels. Much of the mortar between the stones needs replacing. This is true of the whole building. There are cracks apparent above both doors on this side.

On the north, on the first floor, the jail cells are very noticeable. The glass is gone from the inside of the windows but the steel bars are still in place. Each window is 6 feet from the ground, 16 inches wide by 23 inches high. The depth of each of the windows is 30 inches. To the east edge of this north wall is one window that has been filled in with limestone that looks like the limestone on the walls. This is one of the windows that has the lintel made of small perpendicular limestone. The second story has a row of windows-five of them. They each have the decorative limestone three piece lintels. The second story window to the east on this north wall is also filled in with limestone. None of these windows are sealed with boards. The wooden pieces of the windows are present but not the glass. On the second story some of the stones on the top five rows are down. (The limestone is piled up in various places on the jail ground and next to the walls.)

The west side of the building faces an alleyway. Around 1928 the city (which had bought the old jail in 1912 when the new one was built⁶) added a brick addition to the jail for storage.⁷ This addition was

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approximately 30 1/2 feet by 52 feet. Most of this has collapsed, roof, wall and interior. A door on the second story of the jail itself had opened onto a stairway.⁸ This door has been filled in with the same kind of bricks used on the addition. A small window was left above the filled in doorway. It still has one of its two panes. There is a crack above the door.

The south wall is harder to examine because of the proximity of the electrical business. It appears to be a duplicate of the north wall. The five small cell windows are also on this side of the building and the steel bars are still present. They are boarded with weathered wood. There is a larger window near the east side of this south wall that is filled in with limestone stones. The lintel above it is made of small limestones places perpendicular to the window. The second story windows are covered with weathered boards and have the decorative lintels above them. Again, the window to the east is filled in with limestone. There is only one limestone stone out of place at the roof line. There are no others missing as far as could be seen.

Inside are collapsed floors and walls.

In front of the building is a new black metal silhouette of a sheriff, his gold badge over his heart and his rifle in his hands. This is a stop on the "Historical Plaza Walking Tour" of Ellsworth. A description of the jail and the part it played in Ellsworth's history is framed on a black pedestal. It serves as a statement of the desire of the citizens of Ellsworth to save the jail ruin by stabilizing the limestone walls.

- 1. Ellsworth County Commission Minutes, Bk. A, p. 163, 167; <u>The Ellsworth Reporter</u>, 10 July, 1873; Ellsworth County Book of Deeds, Bk. B, p. 217.
- 2. Ellsworth County Commission Minutes, Bk. A, p. 225.
- 3. The Elisworth Reporter, Sept. 4, 1873.
- 4. <u>lbid.</u>
- 5. A. T. Andreas, <u>History of the State of Kansas II</u>, (Bicentennial Reproduction, project of Atchison County Historical Society and the Kansas State Historical Society, 1976), p. 1277.
- 6. Ellsworth County Commission Minutes, Bk. D, p. 36 (13 April, 1912).
- 7. Sanborn Co., Sanborn Insurance Maps of Ellsworth, (New York, 1928).
- 8. <u>Ibid,</u> 1881 map.

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8. Narrative Statement of Significance

Historical background and significance:

The Ellsworth (Kansas) County Jail of 1873 is eligible for the Register of Historic Places listing because the property is associated with events that have made a significant contribution to the broad patterns of our history, Criterion A. It symbolizes the coming of law and order to the Old West. Ellsworth has one of the great histories of a rough-and-tumble cattle town and the Jail of 1873 is an authentic Old West relic. For a few short, tumultuous years Ellsworth served as the terminus for the Texas cattle trade. The colorful, violent time of the mid-19th Century cattle town was a reflection of the political and social atmosphere of the state of Kansas and it also tells part of the story of the western expansion of our nation. Though presently a ruin, the Jail should be stabilized and protected from further deterioration.

From the founding of Ellsworth in 1867, the city was filled with a heterogeneous collection of teamsters, railroad workers, army scouts and soldiers from Fort Harker and the usual disreputable hangers-on-- litinerant liquor dealers, gamblers and prostitutes.¹ In fact, during the first year of existence, Ellsworth was the scene of eight known homicides.² It was as colorful as that of any early western town. Gun battles were common; hangings were frequent (at the Hangman's Tree near the Smoky Hill River). Ellsworth had the reputation of being the "rip-roaringest, toughest" settlement on the entire frontier. The action-packed history that belongs to Ellsworth has been long neglected.³ Unfortunately, according to one writer, citizens of Ellsworth have preferred to keep the town's reputation quiet and many of the very early events passed without being recorded.⁴

By 1871 as the Texas cattle drovers came to the city, Ellsworth had a stockyard with a capacity for 5000 head of cattle and a banking system (Powers Bank) to handle the finances of these drives. But the town experienced an increase in vice businesses as well. According to an eastern newspaper, "Whiskey selling seems to be the most profitable (business in town)". But, experience soon indicated that whoring, gambling and overindulgence in liquor were the three main causes of cattle town violence. At the same time, it made sense to city officials that these businesses, in turn, should heavily subsidize the suppression of violence. Taxing of prostitutes commenced in Ellsworth in 1872 (during the first important cattle season) and along with gamblers' fines, added up to regular civic revenues in the spring of 1873.6

Another way to keep violence in control was to locate the brothel district one-half mile east of town in an area known as "Knotchville." As noted by a local attorney, "Knotchville was the abode of the worst female characters that ever lived in the dens of vice in Kansas City or any other city."

When it came to actual court action, in most instances, these cattle town people tended to be lenient toward perpetrators of violence, including homicides. The motive for the leniency came from a need to retain good will--and trade--of the cattle town visitors. At the same time farmers (who were in the minority) wanted to put out crops and build fences-neither was favorable to the cattle trade. In the ensuing years there was a rather fierce verbal battle between these two groups.

However, by the summer 1873, the town leaders realized they had more problems than could be handled as they had been handled in the past. Knotchville was bursting at the seams with prostitutes and gamblers and Ellsworth proper had some twenty saloons and gambling houses. ⁹ Plus, there were large numbers of idle drovers in the area. It was a particularly difficult summer for everyone as the entire nation was experiencing the "Panic of 1873;" there were thousands of cattle at pasture in the county that no one was buying, and temperatures were soaring in the 90s and 100s. ¹⁰ To provide excitement, the Texas gamblers, all too eager to relieve the cowboys of their hard-earned dollars were in the saloons and casinos. In addition to all the above problems, the community was saddled with a corrupt police force. A tin badge was often all that separated law enforcement officers from the people they shot or lynched or hauled to the "poky." ¹¹ When referring to the police force, the local paper listed them as Brochy Jack, Happy Jack, Long Jack, Short Jack and High and Low Jack. ¹²

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The County Commission discussed the possibility of a jail for some time. In fact on Aug. 31, 1871, the county passed a bond issue for a jail, a courthouse and two bridges over the Smoky Hill River. The County Commissioners decided to incorporate the jail into the courthouse. Of the six rooms on the first floor, one was to be the jail. An argument about the location of the new courthouse ensued. In fact two different petitions were presented agaist the new courthouse/jail. However, a one-room jail proved inadequate and inappropriate located with the other county offices. By July 1873 the jail room was occupied by the County Treasurer. That year, Frank Steir and 100 other Ellsworth county citizens petitioned to have a separate jail built. Until then, offenders had been sent to nearby Salina, Kansas, to be jailed or placed in the 'care' of local citizens.

Violence culminated on August 15, 1873 with the death of the town's popular sheriff, C.B. Whitney. Whitney, who was respected by farmers, businessmen and cattlemen alike, was shot by a drunken Texan, Billy Thompson.

Col. Henry Inman presented his design for a jail to the County Commissioners on Aug. 25, 1873.¹⁹ Col. Inman, who also oversaw the building of the jail, was not an architect by profession. Inman had begun his career, as had many Ellsworth citizens, in the Civil War where he was an aide-de-camp to Gen. George Sykes. Following the Civil War he was transferred to Fort Harker (a few miles to the east of Ellsworth) where he was the Quartermaster General in charge of distribution of supplies to the forts west of Ft. Harker. At Ft. Harker he was a compatriot of the scouts W. F. Cody (Buffalo Bill) and Kit Carson. He served with Generals George Custer and Phil Sheridan. After leaving the U.S. Army he lived in Ellsworth with his wife and children. Using his experiences on the frontier he later became a noted author.²⁰ Col. Inman also completed a county map for the use of the County Commissioners. He was the editor of The Ellsworth Reporter in 1874-1875. Inman died in 1899. He was buried in the Ellsworth Cemetery.

Col. Inman's plans were approved on Sept. 1, 1873. By Sept, 16, 1873, the firm of Kinear and Kendall had been selected to furnish the material and construct the building at a contract price of \$4600.00.²¹ On Sept. 18, the Commissioners voted to purchase Lots 19 through 22 in Block 18 on which to build the jail.²² Although the bonds had been approved, it was difficult to sell them in the stressed economic times. Because the bonds had not sold, Leo Herzig, one of the Commissioners, loaned money to the county to get the jail started.²³

The iron cells were purchased in St. Louis and were placed before the walls were built. It took less than a year to build. The first prisoner, John M. Gruder, was arrested Feb. 20, 1874, for grand larceny and was committed to the new jail by the Justice of the Peace, V.B. Osbourne. However, Mr. Gruder escaped Feb. 28, 1874. It was said that he escaped because the jail was yet unfinished and there were no locks installed.²⁴

On March 5, 1874, a dance was held to dedicate the new jail. 25

The list of those incarcerated during the lifetime of the jail included ones who committed grand larceny, burglary, the carrying of concealed weapons, as well as the insane and "several women." These women may have been jailed for prostitution but it is not known. Although it wasn't used until the close of the wild times, the Jail of 1873 was a symbol of a wild town wanting to try to get a handle on a situation that had gotten out of control.

By 1874 the cattle trade had moved on to Wichita and Dodge City. The Herd Law was passed to prevent cattle from coming into the county; and immigrants began turning to farming and the building of fences. The taming of one of the wildest towns in the west had begun.

The Jail served the county well for thirty-five years. By 1909 a newer jail was ready for occupancy. The Jail of 1873 was sold to the City of Ellsworth for \$750.00 in 1912. The city made a brick addition to the stone building in the 1920s and used the building for storage until 1968 when it was sold to Charles Garrett. Mr. Garrett deeded the property to the present owners, Ellsworth County Historical Society, on August 29, 1988.

The building was used by the city as a tenement house for African-Americans from 1912 through 1920. Evidence was found that the city did some work on the building and furnished it with cots shortly after purchasing it.²⁹ Also, the Sanborn Maps show the facility as a Negro tenement on the July 1911 and March 1920 maps.³⁰

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In 2000, Stephen Reed, the mayor of Harrisburg, Pennsylvania, traveled to towns associated with the "wild west" searching for an authentic jail to be a part of a 61,000 square foot National Museum of the Civil War in Harrisburg. He found only two jails of the era remaining, one in Tombstone, Arizona, and the 1873 Ellsworth County jail ruin. Reed offered to purchase the Ellsworth Jail and relocate it to Pennsylvania. The Ellsworth County Historical Society opted to retain the jail to serve as a reminder of Ellsworth's colorful past. In 2001 the Ellsworth-Kanopolis Chamber of Commerce placed the jail on the Historical Plaza Walking Tour, a self-guided tour highlighting some of the businesses that were active during the cattle town days.

As railroads moved west following the Civil War, the nation expanded at a rapid pace. Cowtowns such as Abilene, Ellsworth, Wichita and Dodge City grew quickly and often without structure or design. As a result, they experienced the growing pains of violence. The unique ruins of the Jail of 1873 stand as a reminder of the rough and tumble times of the mid-1800s in Kansas and the western United States and of the stories and myths that accompany such a relic.

The Ellsworth County Historical Society had researched ways to deal with the collapsing jail. They had obtained estimates for tearing down the jail and estimates for stabilizing the jail. No decisions had been made. Then in April of 2000 Stephen Reed sent a letter to the Society offering to pay \$10,000 for the 1873 limestone jail. Mr. Reed told the Ellsworth County Independent (June 8, 2000) that he planned to move the jail "piece by piece and reassemble it--" at the new Civil War museum in Harrisburg, Pennsylvania. This museum was to cover events before and after the conflict, including the westward expansion period. The Historical Society held. two public meetings, one to announce the offer of the sale and one to hear ideas from Ron Parks (a curator at the Kansas State Historical Society Kaw Museum in Concil Grove, Kansas, and a historic preservation authority) on ways to preserve the jail. At the public meeting citizens expressed a desire to keep Ellsworth's history in Ellsworth. Mr. Parks suggested keeping the jail on the original site pointing out that it could be made safe and used as a ruin. The Ellsworth County Historical Society Board voted to keep the authentic jail and stabilize it as a ruin. Since then volunteers have been cleaning the debris from the inside of the jail. Experts have examined the jail and advised the Historical Society about the correct way to stabilize the jail. A fund drive has been completed by the society and funds are available to start the work on the 1873 jail.

^{1.} Richard R. Dykstra, The Cattle Towns, (New York: Knopf, 1968), p. 113.

^{2.} Junction City, Kansas, Junction City Union, July 13, Sept. 28, & Oct. 5, 1867.

^{3.} Bill Burke, "Ellsworth's Past As Rip-Roaring Cowtown 'Misplaced' in Early History of the West", Junction City Union, Jan. 26, 1956.

^{4. &}lt;u>Ibid.</u>

^{5.} Richard R. Dykstra, "Ellsworth, 1869-1875: The Rise and Fall of a Kansas Cowtown," <u>The Kansas Historical Quarterly, XXVII,</u> (Summer, 1981): p. 169.

^{6.} Dykstra, The Cattle Towns, p. 128-130.

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- 7. Ira E. Lloyd, Diary, "Exciting Early History of Ellsworth, Early Day Lawless Cowtown", (Ellsworth County Historical Society: Ellsworth Museum).
- 8. Dykstra, The Cattle Towns, p.128-130.
- 9. Francis Wilson, compiler, <u>A Review of Our History: Ellsworth 100th Anniversary 1867-1967</u>, (Ellsworth Historical Society, Ellsworth Museum) p. 22.
- 10. Dykstra, The Cattle Towns, p. 133-142.
- 11.Pat Gaston, "Ellsworth Was Wild Cowtown in the 1800s," The Salina Journal, Sept. 7, 1975.
- 12. The Ellsworth Reporter, July 3, 1873.
- 13. Ellsworth County Commission Minutes, Book A, p. 120.
- 14. Ellsworth County Commission Minutes, Book A., May 31, 1872.
- 15. Ellsworth County Commission Minutes, Book A, Oct.24, 1871, June 7, 1872 & July 15, 1872.
- 16. The Ellsworth Reporter, July 10, 1873.
- 17. Ellsworth County Commission Minutes, Book A, p. 216. (July, 1873).
- 18. Ellsworth County Jail Calendar: 1871-1902, p. 5-20.
- 19. Ellsworth County Commission Minutes, Book A, August 25, 1873.
- 20. The Ellsworth Reporter, Aug. 3, 1967, Sect. E, p. 3,
- 21. Ellsworth County Commission Minutes, Book A, Sept. 1 and Sept. 16, 1873.
- 22. Ibid., Sept. 18, 1873.
- 23. <u>lbid.</u>,p. 223.
- 24. Ellsworth County Jail Calendar, p. 5.
- 25. The Ellsworth Reporter, March 12, 1874.
- 26. Ellsworth County Commission Minutes, Book D, April 13, 1912.
- 27. Ellsworth County Book of Deeds, Vol. 70, p. 335.
- 28. <u>Ibid</u>, Vol. 71, p. 678.
- 29. Ellsworth City Council Minutes, Book 1903-1922, July 9, 1912, Aug. 13, 1912 and Jan. 14, 1913.
- 30. Sanborn Co., Sanborn Insurance Maps of Ellsworth, (New York, 1911 & 1920), [Available at the Wilson Abstract Co., Ellsworth, KS.].

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Burke, Bill. "Ellsworth's Past as Rip-Roaring Cowtown 'Misplaced' In Early History of the West". <u>Junction City Union.</u> January 26, 1956.

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Ellsworth County Commission. <u>Ellsworth County Commission Minutes.</u> Book A & Book D, Ellsworth County County County House.

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Gaston, Pat. "Ellsworth Was Wild Cowtown in 1800s". The Salina Journal. Salina, KS., Sept. 7, 1975.

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Muilenburg, Grace and Ada Swinfeford. Land of the Post Rock. Lawrence: University Press of Kansas.

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Wilson, Francis, compiler. <u>A Review of Our History: Ellsworth 100th Anniversary 1867-1967.</u> Ellsworth, KS. 1967. Ellsworth County Historical Society.

10. Geographic Data

Verbal Boundary Description

The legal description of the site is Block 18, south 10 ft. of lot 19, all of lot 20, north 11 ft. of lot 21 in the originall Ellsworth townsite, Ellsworth County, Kansas.

Boundary Justification

The boundaries reflect the property as owned by the Ellsworth County Historical Society.

Additional Documentation

Photographs

The following 4 x 6 photographs were taken Aug. 15, 2002, by Ronnie Svaty. The original negatives are available at the Ellsworth County Historical Society. () indicates camera direction.

- 1. Front, facing east (west)
- 2. Front, facing east (west)-second story with date stone
- 3. Front and north facade (southwest)
- 4. North facade (east)
- 5. West facade, rear (east)
- 6. West addition and facade, rear (east)
- 7. Detail of decorative stone showing transition between 1st and 2nd story, southeast (northwest)
- 8. Detail of jail cell window, north wall (south)
- 9. Interior view looking through door on west wall (east)
- 10. Interior view looking through door on west wall (east)

The 8 x 10 photo (#11), obtained from the Kansas State Historical Society: view is south and east facade. Taken circa 1920s. Unknown photographer. (northwest).

Name of Multiple Property Listing

10.Geographical Data

Acreage of Property less than one acre

UTM References

A. Zone 14 Easting

Easting 567036 Northing

Northing 4286687

B. Zone

C. Zone

Easting

Northing

D. Zone

Easting

Northing

[] See continuation sheet

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification
(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Patricia Svaty (Mrs. Ronnie) and Judy Toman (Mrs. Frank)

organization Ellsworth County Historical Society

date_Oct. 22, 2002

street & number 104 SW Main St. (Box 144)

telephone 785 472-3059

city or town Ellsworth

state Kansas

zip code 67439

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A USGS map (7.5 or 15 minute series) indicating the property's location.

A Sketch map for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional Items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of SHPO or FPO.)

name Ellsworth County Historical Society

street & number 104 SW Main (Box 144)

telephone 785 472-3059

city or town Ellsworth

state Kansas

zip code 67439

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.0. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC 20503.